

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

6/16/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 05-00033DAE
CASE NAME: USA v. Jose Louis Lerma-Gambino
ATTYS FOR PLA: Louis Bracco
ATTYS FOR DEFT: Shanlyn A.S. Park
USPO: Malia Eversole

JUDGE: David Alan Ezra

REPORTER: Cynthia Fazio

DATE: 6/16/2006

TIME: 1:30pm-2:00pm

COURT ACTION: EP: Sentencing to Count 2 of the Indictment as to Defendant Jose Louis Lerma-Gambino.

Defendant present in custody.

The Memorandum Plea Agreement is accepted.

Presentence Report adopted. Sentencing recommendations heard. Allocution by Defendant Jose Louis Lerma-Gambino.

SENTENCE:

Imprisonment: 120 MONTHS

Supervised Release: 8 YEARS

CONDITIONS:

1. Defendant shall abide by the standard conditions of supervision.
2. Defendant shall not commit any federal, state, or local crimes.
3. Defendant shall not possess illegal controlled substances.

4. Defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. Defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter, but no more than 8 valid drug tests per month during the term of supervised release, as directed by the Probation Office.
6. Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. Defendant shall participate in a substance abuse program, which may include drug and alcohol testing, at the discretion and direction of the Probation Office. Defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. Defendant shall execute all financial disclosure forms and provide the Probation Office access to any requested financial information.
9. Defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.
10. Defendant shall submit to removal proceedings, including deportation or exclusion, as required by the Department of Homeland Security. Defendant shall not enter the United States without proper authorization.

Special Assessment: \$100.00.

JUDICIAL RECOMMENDATIONS: Terminal Island, CA. Educational and Vocational training. Defendant has ulcers and high blood pressure.

Defendant advised of his right to appeal.

Government's Oral Motion to Dismiss Count 1 as to this Defendant Only - GRANTED.

Defendant remanded to the custody of U.S. Marshals.

Submitted by: Theresa Lam, Courtroom Manager